

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

RICHARD MEISINGER)	
Claimant)	
VS.)	
)	Docket No. 159,498
ASSOCIATED MILK PRODUCERS)	
Respondent)	
AND)	
)	
KEMPER INSURANCE COMPANIES)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)		

ORDER

ON the 18th day of November, 1993, the application of the Kansas Workers Compensation Fund for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge George R. Robertson, on October 27, 1993, came on before the Appeals Board for oral argument by telephone conference.

APPEARANCES

Claimant appeared by his attorney, Casey R. Law, of McPherson, Kansas. Respondent and insurance carrier appeared by their attorney, John W. Mize, of Salina, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Norman R. Kelly, of Salina, Kansas. There were no other appearances.

RECORD

The record before the Appeals Board is specifically set forth in the Award of the Administrative Law Judge which is adopted and incorporated herein by reference as if specifically enumerated.

STIPULATIONS

The stipulations are herein adopted by the Appeals Board as specifically set forth in the Award of the Administrative Law Judge.

ISSUES

- (1) What is the nature and extent of claimant's disability, if any?
- (2) Is claimant entitled to future medical benefits?
- (3) What is the extent, if any, of the liability of the Kansas Workers Compensation Fund?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Workers Compensation Appeals Board on review of an act, finding, award, decision, ruling or modification of findings or awards of the Administrative Law Judge shall have the authority to grant or refuse compensation, or to increase or to diminish the award of compensation or to remand any matter to the Administrative Law Judge for further proceedings. 1993 Session Laws of Kansas, Chapter 286, Section 53(b)(1).

Having reviewed the entire evidentiary record filed herein, and in addition to the stipulations of the parties, the Appeals Board finds that the Award of the Administrative Law Judge should be affirmed for the reasons set forth in said award. The Appeals Board does further specifically approve and adopt the factual findings and legal conclusions of the Administrative Law Judge as are specifically set forth in the award of October 27, 1993, and incorporates said findings and conclusions as if specifically set forth herein.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge George R. Robertson dated October 27, 1993, is affirmed in all respects and an award of compensation is hereby entered in favor of the claimant, Richard Meisinger, and against the respondent, Associated Milk Producers, and the insurance carrier, Kemper Insurance Companies, and the Kansas Workers Compensation Fund.

The claimant is entitled to 6.29 weeks temporary total disability at the rate of \$224.15 per week or \$1,409.90 and 6 weeks of temporary partial compensation at the rate of \$104.51 per week or \$627.06 followed by 402.71 weeks at \$31.38 per week or \$12,637.04 for a 14 percent permanent partial general bodily disability making a total award of \$14,674.00.

As of December 13, 1993, there would be due and owing to the claimant 6.29 weeks temporary total compensation at \$224.15 per week in the sum of \$1,409.90 and 6 weeks temporary partial compensation at \$104.51 per week in the sum of \$627.06 plus 116.71 weeks permanent partial compensation at \$31.38 per week in the sum of \$3,662.36 for a total due and owing of \$5,699.32 which is ordered paid in one lump sum less any amounts previously paid. Thereafter, the remaining balance in the amount of \$8,974.68 shall be paid at \$31.38 per week for 286 weeks or until further order of the Director.

FURTHER AWARD is made that claimant is entitled to medical expenses, and unauthorized medical expenses up to \$350.00.

Future medical will be considered upon proper application.

Pursuant to K.S.A. 44-536, the claimant's contract of employment with Casey R. Law, his counsel, is hereby approved.

Fees necessary to defray the expenses of administration of the Workers Compensation Act are hereby assessed against the respondent (with 100 percent reimbursement by the Kansas Workers Compensation Fund) and such are directed to pay costs of the transcripts as follows:

TRI-STATE REPORTING

RICHARD MEISINGER

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DOCKET NO. 159,498

Regular Hearing Transcript,
Dated January 14, 1993

\$ 285.40

IRELAND COURT REPORTING

Deposition of Dr. Jay Stanley Jones,
Dated December 21, 1992

\$ 312.60

Deposition of James T. Molski,
Dated January 27, 1993

\$ 243.08

Total

\$ 555.68

IT IS SO ORDERED.

Dated this ____ day of December, 1993.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Casey R. Law, P.O. Box 1146, McPherson, Kansas 67460
John W. Mize, P.O. Box 380, Salina, Kansas 67402-0380
Norman R. Kelly, P.O. Box 2388, Salina, Kansas 67402-2388
George R. Robertson, Administrative Law Judge
George Gomez, Director